

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #10	CCRB Case #: 201803629	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/30/2018 11:40 AM	Location of Incident: § 87(2)(b)	Precinct: 104	18 Mo. SOL 10/30/2019	EO SOL 10/30/2019	
Date/Time CV Reported Mon, 04/30/2018 8:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/08/2018 11:18 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Anthony Wright	4255	935991	104 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jeffrey Mark	28981	962577	104 PCT
2. POM Louis Marinacci	22579	941229	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Anthony Wright	Abuse: Detective Anthony Wright stopped § 87(2)(b)	§ 87(2)(b)
B.DTS Anthony Wright	Off. Language: Detective Anthony Wright made remarks to § 87(2)(b) based upon ethnicity.	§ 87(2)(b)
C.DTS Anthony Wright	Abuse: Detective Anthony Wright searched § 87(2)(b)	§ 87(2)(b)

Case Summary

On April 30, 2018, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB). The complaint generated log number 18-16597, and was received by the CCRB on May 8, 2018.

On April 30, 2018, at about 11:40 a.m., § 87(2)(b) was in front of § 87(2)(b) in Queens, when he was allegedly stopped by Detective Anthony Wright of the 104th Precinct, accompanied by PO Jeffrey Mark and Louis Marinacci, also of the 104th Precinct (**Allegation A: Abuse of Authority – Stop,** § 87(2)(g)). Detective Wright requested § 87(2)(b)'s ID, and after visually inspecting it, he allegedly stated to § 87(2)(b) that he was “illegal” and that he was not from New York (**Allegation B: Offensive Language – Ethnicity,** § 87(2)(g)). Detective Wright then allegedly inserted his hand into § 87(2)(b)'s pants pocket and placed the ID inside of it (**Allegation C: Abuse of Authority – Search of person,** § 87(2)(g)).

Video recording was obtained from TARU, however, it did not show this incident or the involved parties.

Findings and Recommendations

Allegation A: Abuse of Authority – Detective Anthony Wright stopped § 87(2)(b). § 87(2)(b) stated that as he exited § 87(2)(b) in Queens and was roughly in the middle of the block between Seneca Avenue and Forest Avenue, he heard yelling and observed officers identified via the investigation as Detective Wright, PO Marinacci, and PO Mark run toward him. The officers initially instructed § 87(2)(b) to approach them, but § 87(2)(b) did not move. All three officers then walked up to § 87(2)(b) and Detective Wright, who positioned himself in front of PO Marinacci and PO Mark, requested § 87(2)(b)'s ID. § 87(2)(b) took his Pennsylvania ID out from his wallet and handed it to Detective Wright. At the time of this interaction, § 87(2)(b) was on his way to the Ridgewood Savings Bank, and carried an envelope in his hand. The envelope, which was relatively flat and was about the size of a legal pad, contained § 87(2)(b)'s checking book, bank documents, and some cash. Detective Wright told § 87(2)(b) that he stole a package from § 87(2)(b) which § 87(2)(b) denied doing. Without being asked to do so by any of the officers, § 87(2)(b) voluntarily opened the envelope and showed Detective Wright its contents. Detective Wright visually inspected the inside of the envelope and did not ask § 87(2)(b) any questions about it. Soon after, all officers quickly walked away from § 87(2)(b) and entered § 87(2)(b). (**Board Review 01**).

Detective Wright stated that he, PO Marinacci and PO Mark received a precinct assignment from the Captain, and that they were instructed to go to § 87(2)(b) to investigate illegal drug activity in the building. Upon arriving at the incident location, Detective Wright spoke to a female who lived inside of the building, who informed Detective Wright that she observed marijuana sales inside of the building, which usually occurred at night. She did not provide the physical description of any of the perpetrators, and never stated whether the marijuana sales also occurred outside of the building. Detective Wright and his partners then exited § 87(2)(b) and Detective Wright observed § 87(2)(b) standing in front of § 87(2)(b). While standing on the sidewalk, § 87(2)(b) looked at § 87(2)(b) which he soon entered and came out with package, possibly a manila envelope. Detective Wright could not estimate how long § 87(2)(b)

§ 87(2)(b) looked at the building, and how long he was gone. Detective Wright and his partners then walked across the street and approached § 87(2)(b) in front of the building which he exited. Detective Wright asked § 87(2)(b) “Sir, do you live in the building?” and § 87(2)(b) replied that he was its owner. Detective Wright then asked § 87(2)(b) whether he observed any drug activity in the area, and did not ask him any other questions. Detective Wright initially stated that § 87(2)(b) was never suspected of committing any crimes, and that he approached § 87(2)(b) only to inquire about the drug activity in the area. However, as he was asked to clarify his memo book entry referencing a suspicious male with a package, Detective Wright elaborated that § 87(2)(b) was in fact suspicious because he looked at § 87(2)(b) from the sidewalk, entered it, and returned with a package. Detective Wright further stated that § 87(2)(b) was always “free to leave” **(Board Review 02)**.

PO Marinacci’s statement was generally consistent with that of Detective Wright while describing the job at § 87(2)(b) the information regarding illegal drug activity received from the female in the building, and § 87(2)(b)’s observed behavior prior to being approached by Detective Wright. PO Marinacci stated that he and PO Mark remained in front of § 87(2)(b) while Detective Wright spoke to § 87(2)(b) across the street. PO Marinacci was never informed why Detective Wright approached § 87(2)(b) though he assumed it was to ask him about the illegal drug activity in the area. PO Marinacci also stated that § 87(2)(b) was never a suspect of any criminal activity, however, upon being asked to clarify his memo book entry describing § 87(2)(b) as “suspicious,” PO Marinacci stated that § 87(2)(b) was in fact a “suspect” because of looking at § 87(2)(b) entering it, and exiting it with a package in his hand shortly after. PO Marinacci explained that the 104th Precinct receives a lot of complaints of stolen packages, and that stolen packages were one of the conditions he and his partner were looking for on the day of the incident. **(Board Review 03)**.

PO Mark’s statement was consistent with that of PO Marinacci while describing the job at § 87(2)(b) the information obtained from the female inside of the building, § 87(2)(b)’s behavior prior to interacting with Detective Wright, and that PO Mark and PO Marinacci did not follow Detective Wright to § 87(2)(b) where he spoke with § 87(2)(b). PO Mark further acknowledged that he did not hear Detective Wright’s conversation with § 87(2)(b) and he did not know whether § 87(2)(b) was suspected of any criminal activity at the time of the incident. PO Mark was never informed by Detective Wright why he approached § 87(2)(b) though he stated that it was to discuss the illegal drug activity in the area, and to speak to him about the package. Just like PO Marinacci, PO Mark explained that the 104th Precinct received numerous complaints about stolen packages, and that stolen packages were a condition which he and his partners were addressing in the neighborhood. **(Board Review 04)**.

Detective Wright’s, PO Marinacci’s and PO Mark’s Memo Books all referenced a suspicious male with a “package” in front of § 87(2)(b) **(Board Review 05)**.

§ 87(2)(g)

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Allegation B: Offensive Language – Detective Anthony Wright made remarks to § 87(2)(b) based upon ethnicity.

§ 87(2)(b) stated that following that at one point in the incident, Detective Wright told him that he was “illegal” and not from “New York.” However, § 87(2)(b) who primarily speaks Polish and does not speak English well, did not remember whether this was Detective Wright’s exact statement, and what precisely he was referring to **(Board Review 01)**.

Detective Wright denied making any statements about § 87(2)(b)’s ethnic background, immigration status, and did not tell him that he was “illegal” or not from “New York” **(Board Review 02)**.

PO Marinacci and PO Mark did not hear Detective Wright speak to § 87(2)(b) about his ethnic background, immigration status, or state to him that he was not from “New York” or that he was “illegal” **(Board Review 03 and 04)**.

§ 87(2)(g)

Allegation C: Abuse of Authority – Detective Anthony Wright searched § 87(2)(b)

§ 87(2)(b) stated that as he took out his cellphone and began dialing his attorney’s number, Detective Wright aggressively placed his entire hand in § 87(2)(b)’s pants pocket, and placed his ID inside of it. Detective Wright did not attempt to hand the ID to § 87(2)(b) prior to placing it in his pants’ pocket and § 87(2)(b) never refused to retrieve the ID from Detective Wright **(Board Review 01)**.

§ 87(2)(b)’s IAB complaint referenced that Detective Wright searched his backpack. However, § 87(2)(b) reported to the CCRB that he did not carry a backpack during his interaction with Detective Wright, and that he must have been misunderstood due to language difficulties while filing the complaint with the IAB.

Detective Wright did not remember whether he requested § 87(2)(b)’s ID during the incident and denied placing his hand in one of § 87(2)(b)’s pants pockets **(Board Review 02)**.

PO Marinacci and PO Mark did not observe Detective Wright make physical contact with § 87(2)(b) and place his hand inside of his pants’ pocket **(Board Review 03 and 04)**.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed four prior CCRB complaints (**Board Review 07**).
- Detective Wright has been a member of the service for 14 years and has been a subject in 16 prior CCRB complaints involving 30 allegations, § 87(2)(g) (**Board Review 08**).
 - In CCRB Case # 201305640, a vehicle stop and a stop allegation were substantiated against Detective Wright. The CCRB recommended “Command Discipline A” and the NYPD issued him “Command Discipline A.” In CCRB Case # 201311116, a vehicle search allegation was substantiated against Detective Wright. The CCRB’s APU trial determined Detective Wright to be “guilty” and he forfeited two vacation days. In CCRB Case # 201404953, a vehicle search allegation was substantiated against Detective Wright. Detective Wright was found guilty at his administrative trial and he forfeited three vacation days. § 87(4-b), § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of October 4, 2018, there was no notice of claim filed for this incident (**Board Review 10**).

Squad No.: 10

Investigator: _____ INV. WORONIECKI 10/16/2018
Signature Print Title & Name Date

Squad Leader: _____ IM RIGIE _____
Signature Print Title & Name Date

Reviewer: _____ _____
Signature Print Title & Name Date